

# Exhibit A

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK  
3  
4 - - - - -  
5 UNITED STATES OF AMERICA, )  
6 Plaintiff, )  
7 vs. ) CASE NO.  
8 MICHAEL McMAHON, ZHENG ) 21-CR-00265  
9 CONGYING, and ZHU YONG, )  
10 Defendants. )

21 BEHMKE REPORTING AND VIDEO SERVICES, INC.  
22 BY: SUZANNE I. ANDRADE, CSR NO. 10682  
23 455 MARKET STREET, SUITE 970  
24 SAN FRANCISCO, CALIFORNIA 94105  
25 (415) 597-5600

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10                   Remote Videotaped Deposition of XINZI XU,  
11 taken on behalf of PLAINTIFF, via Webex videoconference,  
12 at 450 Golden Gate Avenue, 2nd Floor, Arizona Conference  
13 Room, San Francisco, California, commencing at 9:12 A.M.,  
14 WEDNESDAY, MAY 17, 2023, before Suzanne I. Andrade,  
15 Certified Shorthand Reporter No. 10682, pursuant to  
16 Notice of Videotaped Deposition.

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19 ALSO PRESENT (VIA VIDEOCONFERENCE):

20 MICHAEL McMAHON

21 YONG ZHU

22 CHRISTOPHER BRUNO, FBI SPECIAL AGENT

23 NANCY WU, INTERPRETER

24 JOSHUA HEADRICK, VIDEOGRAPHER

25 HONORABLE RAMON REYES, JUDGE

1

2

3 THE VIDEO OPERATOR: The court reporter today is  
4 Suzanne Andrade, Certified Shorthand Reporter,  
5 contracted by Behmke Reporting and Video Services, Inc.

6 Would the reporter please swear in the witness.

7 (The witness was duly sworn.)

8 THE WITNESS: Yes.

9

XINZI XU,

10 after having been duly administered the oath to tell the  
11 truth, the whole truth, and nothing but the truth,  
12 testified as follows:

13 EXAMINATION

14 BY MS. CHEN:

15 Q. Please state and spell your name.

16 A. Xinzi Xu, X-i-n-z-i, X-u.

17 Q. Do you go by any other names?

18 A. Sabrina.

19 Q. How old are you?

20 A. 30.

21 Q. Where were you born?

22 A. China.

23 Q. At some point did you come to live in the  
24 United States?

25 A. Yes.

1 Q. About how old were you when you came to the  
2 United States?

3 A. 13.

4 Q. And how far did you go in school?

5 A. Master's.

6 Q. What is your master's degree in?

7 A. Statistics.

8 Q. And when did you get your master's degree?

9 A. In 2016.

10 Q. Did you obtain your master's degree in the  
11 United States?

12 A. Yes.

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED] [REDACTED]

20 BY MS. CHEN:

21 [REDACTED]

22 Did you obtain your master's degree from a  
23 university in California?

24 A. Yes.

25 Q. Did you earn a college degree as well?

1 A. Yes.

2 Q. What is your college degree in?

3 A. Economics.

4 Q. And when did you obtain your college degree?

5 A. 2014.

6 Q. Was your college degree obtained from a  
7 university in the United States?

8 A. Yes.

9 Q. Was your college degree obtained from a  
10 university in California?

11 A. Yes.

12 Q. After you obtained your master's degree, what  
13 did you do?

14 A. I worked as a computer engineer focused on  
15 analytics.

16 Q. And what type of company did you work for?

17 A. Technology.

18 Q. About how long were you at that job?

19 A. About a year and a half.

20 Q. After that first job, did you work somewhere  
21 else?

22 A. Yes.

23 Q. What was that job?

24 A. The same job title, computer engineer, focused  
25 on analytics, at a different company.

1 Q. And what type of company was that?  
2 A. Biotech. Technology.  
3 Q. Do you live in the United States now?  
4 A. Yes.  
5 Q. And what state do you live in?  
6 A. California.  
7 Q. Do you have any family in the United States?  
8 A. Yes.  
9 Q. What family is that?  
10 A. My parents, my aunt, and my uncle.  
11 Q. What are your parents' names?  
12 A. My mom's name is Fang Liu, F-a-n-g, L-i-u. My  
13 dad's name is Jin Xu, J-i-n, X-u.  
14 Q. Do you have any siblings?  
15 A. No.  
16 Q. Do you have any family in China?  
17 A. Yes.  
18 Q. What family do you have in China?  
19 A. My grandparents on my dad's side and my dad's  
20 sister.  
21 Q. Do you have any kids?  
22 A. In about a month.  
23 Q. At some point, did you learn that your parents  
24 were being harassed?  
25 A. Yes.

1 Q. Around what time did you learn that?

2 A. 2016.

3 Q. Did you speak with your parents about this?

4 A. Yes.

5 Q. And what did you learn from your parents about  
6 this?

7 [REDACTED] [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 THE WITNESS: Okay. Not much, but some people from  
13 the Chinese government are trying to harass them and  
14 force them to go back to China.

15 BY MS. CHEN:

16 Q. Do you have an understanding why your parents  
17 did not tell you much about this harassment?

18 [REDACTED] [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED] [REDACTED]

1 [REDACTED] [REDACTED]  
2 [REDACTED] [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED] [REDACTED]  
7 [REDACTED]  
8 [REDACTED] [REDACTED]  
9 [REDACTED]

10 THE WITNESS: Yes.

11 They do not want me to worry.

12 BY MS. CHEN:

13 Q. Are you worried about your parents?

14 A. Yes.

15 Q. Ms. Xu, I'm going to list a couple of addresses  
16 for you. Can you please tell me if you recognize them.

17 6 Comstock Circle in Stanford, California.

18 A. Yes. It's an address I used to live in.

19 Q. 2110 Haste Street in Berkeley, California.

20 A. I do not remember the number, but I remember --  
21 I remember living on Haste Street in Berkeley.

22 Q. Okay. 1 St. Francis Place in San Francisco,  
23 California.

24 A. Yes. I used to live in that address.

25 Q. Okay. 2338 Telegraph Avenue in Berkeley,

1 California.

2 A. Yes. I used to live in that address.

3 Q. 2222 Durant Avenue in Berkeley, California.

4 A. Yes. I used to live in that address.

5 Q. Ms. Xu, do you currently have a Facebook  
6 account?

7 A. Yes.

8 Q. In 2017 and 2018, did you have a Facebook  
9 account?

10 A. Yes.

11 Q. I want to direct you to May of 2018.

12 Did anything having to do with you or your  
13 loved ones' Facebook accounts stand out to you?

14 A. Yes. My friends received Facebook messages  
15 from an account named Tony Lee that contained deroga- --  
16 derogatory information about me and my parents.

17 Q. Do you know someone named by the name of Tony  
18 Lee?

19 A. No.

20 Q. Are you friends with someone by the name of  
21 Tony Lee?

22 A. No.

23 Q. Can you explain more specifically what the  
24 messages said.

25 A. To my best memory, the message said my parents

1 are criminals, and I am aware of the fact that they're  
2 criminals.

3 Q. Do you recall whether the messages were written  
4 in English or Chinese?

5 A. Both.

6 Q. Do you speak Chinese?

7 A. Yes.

8 Q. How many friends of yours informed you that  
9 they had received this type of message?

10 A. To my best memory, about ten.

11 Q. Did those friends who informed you they had  
12 received the messages have any relationship with your  
13 parents?

14 A. No.

15 Q. Are you aware of any legitimate reason why this  
16 person would have sent these messages to your friends?

17 A. No.

18 Q. Did you tell anyone about the messages that  
19 your friends received?

20 A. Yes.

21 Q. Did you tell any family members about these  
22 messages?

23 A. Yes.

24 Q. Who did you tell?

25 A. My mother.

1 Q. How did your mom react?

2 A. She was worried for me, and she said it's  
3 likely from the same people in China that are harassing  
4 them.

5 Q. Did this Tony Lee account ever contact you  
6 directly?

7 A. No.

8 Q. Did this Tony Lee account ever contact a family  
9 member directly?

10 A. In my knowledge, no.

11 MS. CHEN: Your Honor, at this time, we would like  
12 to publish, for the witness and counsel, what's been  
13 premarked for identification as Government Exhibit 107.

14 (Deposition Exhibit 107 was marked for  
15 identification.)

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED] [REDACTED] [REDACTED]

19 [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED]

1 [REDACTED] [REDACTED]  
2 [REDACTED]  
3 [REDACTED] [REDACTED] [REDACTED]  
4 [REDACTED]  
5 [REDACTED] [REDACTED]  
6 [REDACTED]  
7 [REDACTED] [REDACTED]  
8 [REDACTED]  
9 [REDACTED] [REDACTED] [REDACTED]  
10 [REDACTED]  
11 [REDACTED] [REDACTED]  
12 [REDACTED]  
13 [REDACTED] [REDACTED]  
14 [REDACTED] [REDACTED]  
15 [REDACTED] [REDACTED]  
16 [REDACTED] [REDACTED]  
17 [REDACTED] [REDACTED]  
18 [REDACTED] [REDACTED]  
19 [REDACTED] [REDACTED]

20 BY MS. CHEN:

21 Q. Ms. Xu, do you recognize this exhibit?

22 A. Yes.

23 MS. CHEN: And just for the record, I'm going to --  
24 it's a two-page document. I'm going to scroll to the  
25 second page for the witness as well.

1 THE WITNESS: Mm-hmm.

2 BY MS. CHEN:

3 Q. Ms. Xu, what is this exhibit?

4 A. This is the Facebook message that my friends  
5 received in 2018.

6 Q. Does this exhibit consist of true and accurate  
7 copies of the screenshots of the Facebook messages sent  
8 from a Tony Lee account to your friends in 2018?

9 A. To my best memory, yes.

10 MS. CHEN: Your Honor, at this point, the government  
11 moves into evidence Government Exhibit 107.

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

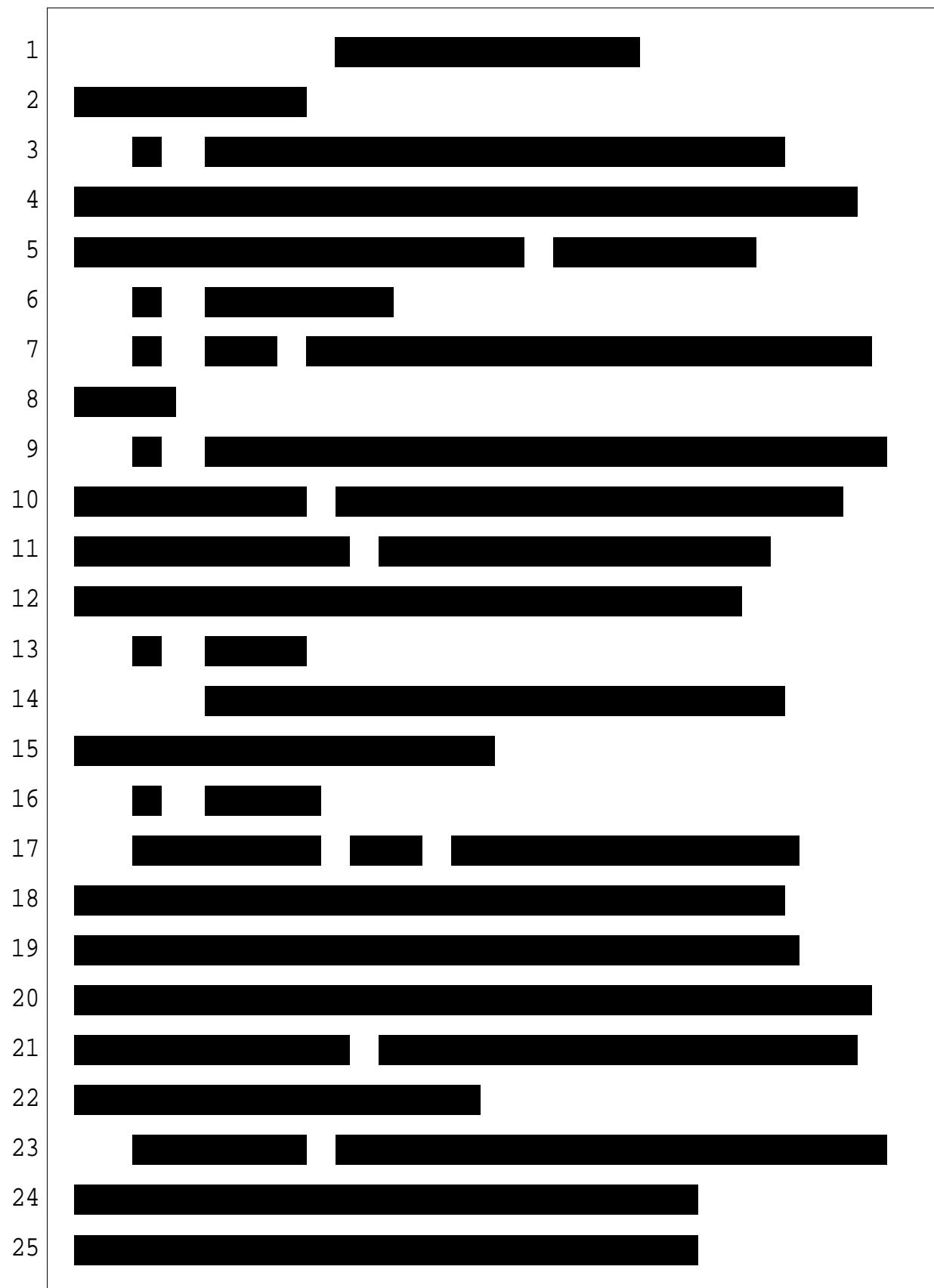
21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24

25



1

2

3 MS. CHEN: Thank you, Your Honor. I'm just  
4 scrolling back up to the first page of the exhibit.

5

6 BY MS. CHEN:

7 Q. Ms. Xu, can you ex- -- please explain what this  
8 exhibit is.

9 A. This is the text -- Facebook message that my  
10 friends received in 2018.

11 Q. And what does the message actually say?

12 A. It says: "Sabrina Xu who graduated from  
13 UC Berkeley" -- sorry. Slow.

14 "Sabrina Xu who graduated from UC Berkeley, her  
15 parents, Xu Jin and Liu Fang are wanted by International  
16 Criminal Police Organization as they were involved in  
17 massive corruption within public office in China and  
18 transferred a large sum of monies to the U.S. for  
19 squandering. They applied for EB-5 immigration with  
20 fake identity. Sabrina Xu knows all about her parents'  
21 corruption, and the expense of her extravagant life in  
22 U.S. is from her parents' corruption and crime. Their  
23 defiance and evasion of laws should be condemned by the  
24 public."

25 Q. Ms. Xu, is anything in this message true?

1 A. My name. I do go by Sabrina. And my parents' names, even though the first name and last names are flipped. I did graduate from UC Berkeley.

2 Q. Have you or your friends ever received any Facebook messages like this before 2018?

3 A. No.

4 Q. Have you or your friends ever received any Facebook messages like this after 2018?

5 A. No.

6 Q. How did learning about these Facebook messages make you feel?

7 A. I felt stressed, unsafe. Yeah.

8 Q. Ms. Xu, are you worried about your family?

9 A. Yes.

10 Q. What, if anything, do you do to check in with your family?

11 A. I send my mom an emoji every day to let her know that I'm safe.

12 Q. And what, if anything, do your parents do or your family do to check in with you?

13 A. My mom sends me an emoji back, or a hi, every day.

14 Q. And when did you start sending these emojis back and forth?

15 A. To my best memory, 2017.

1 MS. CHEN: Your Honor, may I just have one moment?

2 JUDGE REYES: Mm-hmm.

3 (Government counsel confer.)

4 BY MS. CHEN:

5 Q. Ms. Xu, just to clarify again, can you say how  
6 learning about these Facebook messages we were just  
7 talking about, how that made you feel?

8 A. I felt unsafe, because they -- I -- I do not  
9 post public stuff on my social media, but somehow the  
10 people harassing me knew who my friends were. And they  
11 sent this message with very serious allegations to my  
12 friends. So I felt unsafe and I felt very stressed.

13 And also worried. Yeah.

14 MS. CHEN: Your Honor, we have no further questions.

15 [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED] [REDACTED] [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED]

23 EXAMINATION

24 BY MR. LUSTBERG:

25 Q. Just a few questions for you, Ms. Xu. My name

1 is Larry Lustberg. I represent Michael McMahon.

2 Can you see Mr. McMahon on the screen?

3 A. No.

4 [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q. Okay. I see Mr. McMahon on my screen.

13 MR. LUSTBERG: Maybe just to make it clear,  
14 Mr. McMahon, can you put up your hand.

15 DEFENDANT McMAHON: (Complies.)

16 BY MR. LUSTBERG:

17 Q. Do you see the person who just put up his hand?

18 A. Yes. Now I see him, yes.

19 Q. Thank you very much.

20 Have you ever seen him before today?

21 A. No.

22 Q. Thank you.

23 And just so I'm clear, just two more sets of  
24 questions. I think -- I just want to make sure I  
25 understood your testimony.

1 Did you say that the -- these -- the messages  
2 that came to your attention, the Facebook messages, like  
3 the one we saw earlier, that the first time you heard  
4 about those was in 2018?

5 A. Yes.

6 [REDACTED] [REDACTED] [REDACTED]  
7 [REDACTED] [REDACTED]  
8 [REDACTED] [REDACTED]  
9 [REDACTED] [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED] [REDACTED]  
14 [REDACTED]  
15 [REDACTED] [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED] [REDACTED]  
20 [REDACTED] [REDACTED]  
21 [REDACTED] [REDACTED]  
22 [REDACTED] [REDACTED]  
23 [REDACTED] [REDACTED]  
24 [REDACTED]  
25 [REDACTED] [REDACTED]

1 [REDACTED] [REDACTED]  
2 [REDACTED] [REDACTED] [REDACTED]  
3 [REDACTED] [REDACTED]  
4 [REDACTED] [REDACTED]  
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
6 [REDACTED] [REDACTED]  
7 [REDACTED]  
8 [REDACTED] [REDACTED] [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]

13 BY MR. LUSTBERG:

14 Q. So the question was: The first time that you  
15 received any messages of this sort was in early 2 --  
16 or -- in 2018, correct?

17 A. Correct.

18 Q. Okay. And before that, there were no messages  
19 of this kind harassing you; is that right?

20 A. Correct.

21 Q. Thank you.

22 Just one other -- one other set of questions  
23 for you.

24 At the time -- you said you -- you got your  
25 master's degree; is that right?

1 A. Yes.

2 Q. And is -- am I right that you got your master's  
3 degree in May of 2016?

4 A. Yes.

5 Q. Okay. And at the time that you got your  
6 master's degree, were you living on campus there in  
7 Stan- -- at Stanford?

8 A. Yes.

9 Q. And then after you graduated -- I'm not going  
10 to ask you where you went, although you've given your  
11 addresses.

12 But after you graduated, you went and moved  
13 someplace else?

14 A. Yes.

15 Q. What -- did you -- did you -- did you leave  
16 right after your graduation?

17 A. To my best memory, yes.

18 Q. And, just generally -- you don't have to give a  
19 street address, but, generally, where did you move to at  
20 that time?

21 A. I moved to Nor- -- Northern Bay area.

22 Q. Okay. Do you remember the -- could you just  
23 tell me the name of the town?

24 [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED]

1 [REDACTED]  
2 [REDACTED] [REDACTED]  
3 [REDACTED] [REDACTED]  
4 [REDACTED]  
5 [REDACTED] [REDACTED]  
6 [REDACTED]  
7 [REDACTED] [REDACTED]  
8 [REDACTED]

9 THE WITNESS: I was splitting time between  
10 San Francisco and San Mateo.

11 BY MR. LUSTBERG:

12 Q. Okay. And would that have been true by, say,  
13 October of 2016 that you were doing that?

14 A. I'm not sure if I remember exactly. Yeah, I'm  
15 not sure if I remember the month or the exact date.

16 Q. Okay. But -- but, certainly, by the fall of  
17 2016, you were no longer living in Stanford, correct?

18 A. Yes.

19 MR. LUSTBERG: That's all. Thank you, Your Honor.  
20 I have nothing further.

21 Good -- good luck, ma'am.

22 THE WITNESS: Thank you, sir.

23 [REDACTED] [REDACTED]  
24 [REDACTED] [REDACTED]  
25 [REDACTED] [REDACTED]

1                   This is Paul Goldberger and Renee Wong. We  
2 don't have any questions, Your Honor.

3 [REDACTED] [REDACTED]

4 [REDACTED]

5 [REDACTED] [REDACTED]

6                   EXAMINATION

7 BY MR. TUNG:

8       Q. Back in 2018, you already left New Jersey,  
9 right?

10                  That's where your home -- I mean, your -- your  
11 parents' home is, correct?

12       A. I'm sorry. I couldn't hear very clearly.

13       Q. Okay. I'll -- I'll do this again. I'm sorry.  
14 Maybe -- okay.

15                  You and your parents lived in state of New  
16 Jersey at one point in time; is that correct?

17       A. Not exactly.

18       Q. Okay. Now, why do you say "not exactly"?  
19 So -- let me -- let me ask another question.

20       A. Yeah.

21       Q. Did your parents live in New Jersey, in state  
22 of New Jersey?

23       A. Yes.

24       Q. And they have a house, right?

25                  That's their -- their own house in the state of

1 New Jersey, right?

2 A. I'm not sure of the ownership of the house.

3 They did live in a house.

4 Q. And is that the alleged -- I mean, in that --  
5 and the alleged harassment occurred in this case, that  
6 is around the time they lived in the state of New  
7 Jersey; is that correct?

8 A. Could you clarify the harassment in this case,  
9 what that means? In -- in my case?

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED]

1 BY MR. TUNG:

2 Q. So, Ms. Xu, did you ever stated that you were  
3 harassed by unidentified people from China?

4 A. Um...

5 I'm sorry. Could you repeat your question?

6 Q. Okay. Now, earlier, did you tell everyone that  
7 you were harassed?

8 A. Yes.

9 Q. Yes.

10 So tell me again --

11 JUDGE REYES: And, Ms. Xu, when was -- when did you  
12 feel harassed? In 2018?

13 THE WITNESS: Correct.

14 JUDGE REYES: At the time, did you believe -- were  
15 your parents -- at the time you felt harassed, were your  
16 parents living in New Jersey?

17 THE WITNESS: Yes.

18 MR. TUNG: Thank you, Your Honor.

19 BY MR. TUNG:

20 Q. And so in 2018, you were not living with your  
21 parents in New Jersey; is that correct?

22 A. Correct.

23 Q. So you told us you were -- you felt harassed  
24 because some of your friends received messages from --  
25 in their Facebook regarding messages from a person

1 identified as Tony Lee; is that correct?

2 That -- that's the harassment you're talking  
3 about?

4 A. Yes.

5 Q. And at that time, you were in California,  
6 correct?

7 A. Correct.

8 Q. All right. I would like to show you my client.

9 A. Mm-hmm.

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 BY MR. TUNG:

22 Q. The person that I just show you -- I'm going to  
23 do this again, and I'll switch around to mi- -- to  
24 microphone.

25 Can you look at the person in front of you?

1 A. (Nods head.)

2 Q. Have you seen this person before?

3 A. No.

4 Q. Do you know his name?

5 A. No.

6 Q. Have you heard anyone discuss, you know,  
7 something related to this person, if you know?

8 A. No.

9 [REDACTED]

10 [REDACTED]

11 [REDACTED] [REDACTED]

12 JUDGE REYES: [REDACTED]

13 Ms. Xu, have you ever had any dealings, to your  
14 knowledge, with the person who was just shown to you on  
15 the video?

16 THE WITNESS: To my knowledge, no.

17 MR. TUNG: I'm about to finish. Just -- just one  
18 question, clarify.

19 BY MR. TUNG:

20 Q. So your harassment that you felt and being  
21 harassed, that all occurred in the state of California,  
22 correct?

23 A. Yes.

24 JUDGE REYES: Anything else, Mr. Tung?

25 BY MR. TUNG:

1 Q. And you do not know if the person that you saw  
2 was Tony Lee, correct?  
3 [REDACTED] [REDACTED]  
4 [REDACTED] [REDACTED]

5 THE WITNESS: Correct.

6 BY MR. TUNG:

7 Q. "Correct," meaning you do not know?

8 A. I do not know if the person that you just  
9 showed me is Tony Lee or not.

10 MR. TUNG: Thank you very much. I do not have any  
11 more questions.

12 JUDGE REYES: Redirect, Ms. Chen?

13 MS. CHEN: No, Your Honor.

14 JUDGE REYES: Okay. Anything else, anyone?

15 MR. GOLDBERGER: No, Your Honor. Thank you very  
16 much.

17 MR. LUSTBERG: No, Your Honor. Thank you.

18 JUDGE REYES: Thank you. The deposition is  
19 adjourned.  
20 [REDACTED] [REDACTED]  
21 [REDACTED] [REDACTED]  
22 [REDACTED] [REDACTED]  
23 [REDACTED] [REDACTED]  
24 [REDACTED]  
25 [REDACTED]